The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte: RICHARD HENRY DEE MAIL

MAY 0 5

Application No. 09/896,162

U.S. PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on March 27, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

INFORMATION DISCLOSURE STATEMENT

Appellant filed an Information Disclosure Statement (IDS) dated April 3, 2006. There is no indication on the record that the Information Disclosure Statement was considered by the

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Examiner. A written communication notifying appellant of the Examiner's consideration is required.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the examiner to:

- 1) consideration and proper written response to the Information Disclosure Statement filed April 3, 2006;
 - 2) to notify appellants of such consideration; and
 - 3) for any further action as may be appropriate.

BOARD OF PATENT APPEALS

AND INTERFERENCES

DALE M. SHAW

Program and Resource Administrator

(571)272-9797

DMS/dpv

Application No. 09/896,162

Wayne P. Bailey Storage Technology Corp. One StorageTek Drive Louisville, Co. 80028-4309